

**REMARKS**

On entry of this Response, Applicants have amended claims 1-5, 8, 10, 12, 13, 15-18 and 20-24. Support for the amendment can be found, for example, in Figure 1 and page 6, line 26-33 in the specification of the instant application. No new matter has been introduced.

Claims 9 and 11 were canceled previously. Claims 1-8, 10 and 12-24 are pending in the instant application, of which claims 1, 10, 18 and 21-24 are independent.

**I. Rejection of Claims 1, 4-8, 10 and 12-24 under 35 U.S.C. §103(b)**

Claims 1, 4-8, 10 and 12-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 5,896,454 (hereinafter “Cookson”) in view of US 4,462,078 (hereinafter “Ross”). (Office Action, page 2). Applicants respectfully traverse the rejection in view of the amended claims.

**A. Claim 1**

Amended independent claim 1 recites:

“A method of preventing use of an unauthorized copy of a software program residing on an optical medium, the method comprising:

***providing a protection program on the optical medium, the protection program residing on the optical medium with the software program, the protection program:***

***searching*** for a file on the optical medium containing the software program prior to determining a media type of the optical medium;

***determining*** the media type of the optical medium containing the software program; and

***inhibiting*** execution of the software program stored on the optical medium if:

the file is missing on the optical medium, or  
the optical media has media type that  
indicates that the optical media is copied.”

Claim 1 has been amended to recite “providing a protection program on the optical medium, the protection program residing on the optical medium with the software program, the protection program: searching ...; determining ...; and inhibiting ....”

Applicants respectfully submit that Cookson and Ross, alone or in combination, fail to disclose or suggest all of the features of amended claim 1. For example, Cookson and Ross, alone or in combination, do not disclose or suggest at least the feature of “providing a protection program on the optical medium, the protection program residing on the optical medium with the software program, the protection program: searching ...; determining ...; and inhibiting ...,” as required in amended claim 1.

Cookson discloses that a disk contains copy-state code, such as 00 (no restriction), 01 (first generation copy only), 10 (no more copies allowed) and 11 (no copies, ever), in the lead-in section to prevent copying of digital recordings. (Cookson, FIGS. 1 and 2). Cookson, however, does not disclose or suggest “a protection program on the optical medium, the protection program residing on the optical medium with the software program,” as required by amended claim 1. In Cookson, the protection functions are performed by the controller (14). (Cookson, FIGS. 3 and 4). There is no disclosure in Cookson that the protection program resides on the optical medium with the software program.

Ross does not compensate for the deficiencies of Cookson. Ross discloses that a program is written on the medium to protect original computer software. (Ross, column 2, lines 16-21). The program in Ross writes different coded information on the medium where the original computer software is recorded so that the original computer software becomes “dis-functional.” (Ross, column 22-50). The program in Ross, however, does not perform the searching, determining and inhibiting actions recited in amended claim 1. For example, the program in Ross does not search “for a file on the optical medium containing the software program prior to determining a media type of the optical medium,” as required by claim 1. The program in Ross does not correspond to the protection program recited in amended claim 1.

For the reasons presented above, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 1 be withdrawn.

#### **B. Claims 4-8**

Claims 4-8 depend from independent claim 1 and, as such, incorporate the subject matter of claim 1. Accordingly, Cookson and Ross, alone or in combination, do not disclose or suggest

all of the features of claims 4-8. Therefore, Applicants respectfully submit that Cookson and Ross do not support a valid 35 U.S.C. §103(a) rejection of claims 4-8.

**C. Claim 10**

Amended independent claim 10 recites:

“A method of authenticating an original optical medium, the method comprising:  
accessing the optical medium in a compact disk-read/write (CD-R/W) drive coupled to a computer; and  
***identifying a protection program on an optical medium, the protection program:***  
***searching*** for a file on the optical medium prior to checking a media type the optical medium; and  
***checking*** the media type of the optical medium once the file has been located.”

Claim 10 is amended to recite “identifying a protection program on an optical medium, the protection program: searching ...; and checking ....”

Applicants respectfully submit that Cookson and Ross, alone or in combination, do not disclose or suggest at least the following feature of amended claim 10: “identifying a protection program on an optical medium, the protection program: searching ...; and checking ....” Cookson does not disclose or suggest “a protection program on an optical medium.” Ross does not disclose or suggest “a protection program on an optical medium” that performs searching and checking actions recited in amended claim 10. For example, Ross does not disclose or suggest that a protection program on an optical medium searches “for a file on the optical medium prior to checking a media type the optical medium,” as required by amended claim 10. The program in Ross writes different coded information on the medium where the original computer software is recorded. The program in Ross is not the protection program required by amended claim 10.

For at least the reason presented above, Applicants submit that the combination of Cookson and Ross does not disclose or suggest all of the features of amended claim 10. Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 10 be withdrawn.

**D. Claims 12-17**

Claims 12-17 depend from independent claim 10 and as such, incorporate the subject matter of claim 10. Accordingly, Cookson and Ross, alone or in combination, do not disclose or suggest all of the features of claims 12-17. Therefore, Applicants respectfully submit that Cookson and Ross do not support a valid 35 U.S.C. §103(a) rejection of claims 12-17.

**C. Claim 18**

Independent claim 18 recites:

“A method of preventing execution of an unauthorized copy of a software program stored on an optical medium, the method comprising:

*identifying a protection program residing on the optical medium with the software program, the protection program:*

*searching* for a file on the optical medium containing the software program prior to determining a media type of the optical medium;

*determining* the media type of the optical medium;

and

*executing* the software program stored on the optical medium if:

the file is included on the optical medium,

and

the optical medium has a media type that indicates that the optical medium is an original version.”

Claim 18 is amended to recite “identifying a protection program residing on the optical medium with the software program, the protection program: searching ...; determining ...; and executing ....”

Applicants respectfully submit that Cookson and Ross, alone or in combination, do not disclose or suggest at least the following features of amended claim 18: “identifying a protection program residing on the optical medium with the software program, the protection program: searching ...; determining ...; and executing ....” Cookson does not disclose or suggest “a protection program residing on the optical medium with the software program.” Ross does not

disclose or suggest “a protection program residing on the optical medium with the software program” that performs searching, determining and executing actions recited in amended claim 18. For example, Ross does not disclose or suggest that a protection program residing on the optical medium with the software program searches for a file on the optical medium containing the software program prior to determining a media type of the optical medium, as required by amended claim 18. The program in Ross is not the protection program recited in amended claim 18.

For at least the reasons presented above, Applicants submit that the combination of Cookson and Ross does not disclose or suggest all of the features of amended claim 18. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 18 be withdrawn.

#### **D. Claims 19 and 20**

Claims 19 and 20 depend from independent claim 18 and, as such, incorporate the subject matter of claim 18. Accordingly, Cookson and Ross, alone or in combination, do not disclose or suggest all of the features of claims 19 and 20. Therefore, Applicants respectfully submit that Cookson and Ross do not support a valid 35 U.S.C. §103(a) rejection of claims 19 and 20.

#### **E. Claim 21**

Independent claim 21 recites:

“A computer-readable optical medium containing instructions for preventing use of an unauthorized copy of a software program stored on the optical medium when the instructions are executed on a processing device, the medium comprising:  
instructions for the software program; and  
***instructions for a protection program that prevents the unauthorized copy of the software program from being used when the instructions for the protection program are executed on the processing device, the protection program:***  
***searching*** for a file on an optical medium  
containing the software program prior to determining a  
media type of the optical medium;  
***determining*** the media type of the optical medium  
containing the software program; and

*inhibiting* execution of the software program stored on the optical medium if:

the file is missing on the optical medium, or  
the optical medium has media type that  
indicates that the optical medium is copied.”

Claim 21 is amended to recite “the medium comprising: instructions for the software program; and instructions for a protection program that prevents the unauthorized copy of the software program from being used when the instructions for the protection program are executed on the processing device, the protection program: searching ...; determining ...; and inhibiting ....”

Amended claim 21 is a medium claim that parallels amended claim 1. As discussed above in connection with claim 1, Cookson and Ross, alone or in combination, do not disclose suggest at least the following features of amended claim 21: “a protection program that prevents the unauthorized copy of the software program from being used when the instructions for the protection program are executed on the processing device, the protection program: searching ...; determining ...; and inhibiting ....”

For at least the reasons presented above, the combination of Cookson and Ross does not disclose or suggest all of the features of amended claim 21. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 21 be withdrawn.

#### **F. Claim 22**

Amended independent claim 22 recites:

“A computer-readable optical medium containing instructions for interacting with an optical medium when the instructions are executed on a processing device, the medium comprising:  
instructions for a software program; and  
*instructions for a protection program that prevents use of an unauthorized copy of the software program, the protection program:*  
*detecting* the optical medium in a compact disk-read/write (CD-R/W) drive of a computer;

*searching* for a file on the optical medium prior to checking a media type of the optical medium; and  
*checking* the media type of the optical medium.”

Claim 22 is amended to recite “the medium comprising: instructions for a software program; and instructions for a protection program that prevents use of an unauthorized copy of the software program, the protection program detecting ...; searching ...; and checking ....”

Amended claim 22 is a medium claim that parallels amended claim 10. As discussed above in connection with claim 10, Cookson and Ross, alone or in combination does not disclose or suggest at least the following feature of amended claim 22: “the medium comprising ... instructions for a protection program that prevents use of an unauthorized copy of the software program, the protection program: detecting ...; searching ...; and checking ....”

For at least the reasons presented above, Applicants submit that the combination of Cookson and Ross does not disclose or suggest all of the features of amended claim 22. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 22 be withdrawn.

### **G. Claim 23**

Independent claim 23 recites:

“A computer-readable optical medium containing instructions for preventing execution of an unauthorized copy of a software program stored on the optical medium when the instructions are executed on a processing device, the medium comprising:  
instructions for the software program; and  
*instructions for a protection program that prevents the unauthorized copy of the software program from being executed when the instructions for the protection program are executed on the processing device, the protection program;*  
*searching* for a file on the optical medium containing the software program prior to determining a media type of the optical medium;  
*determining* the media type of the optical medium;  
and  
*executing* the software program stored on the optical medium if:

the file is included on the optical medium,  
and  
the optical medium has a media type that  
indicates that the optical medium is an original  
version.”

Claim 23 is amended to recite “the medium comprising: instructions for the software program; and instructions for a protection program that prevents the unauthorized copy of the software program from being executed when the instructions for the protection program are executed on the processing device, the protection program: searching ...: determining ...; and executing ....”

Amended claim 23 is a medium claim that parallels amended claim 18. As discussed above in connection with amended claim 18, Cookson and Ross, alone or in combination, do not disclose or suggest at least the following features of amended claim 23: “the medium comprising ... instructions for a protection program that prevents the unauthorized copy of the software program from being executed when the instructions for the protection program are executed on the processing device, the protection program: searching ...: determining ...; and executing ....”

For at least the reasons presented above, the combination of Cookson and Ross does not disclose or suggest all of the features of amended claim 23. Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 23 be withdrawn.

#### **H. Claim 24**

Amended independent claim 24 recites:

“An electronic device comprising:  
a memory for storing computer program instructions,  
a processor for executing the stored computer program  
instructions, and  
a compact disk-read/write (CD-R/W) drive for receiving  
***an optical medium containing a software program and a  
protection program, the protection program including  
instructions for searching*** for a file on the optical medium  
containing the software program prior to determining a media type  
of the optical medium, ***determining*** the media type of the optical  
medium and ***inhibiting*** execution of the software program stored  
on the optical medium if the file is missing on the optical medium



or the optical medium has media type that indicates that the optical medium is copied.

Claim 24 is amended to recite “an optical medium containing a software program and a protection program, the protection program including instructions for searching ..., determining ... and inhibiting ....”

Applicants respectfully submit that Cookson and Ross, alone or in combination, do not disclose or suggest at least the following feature of amended claim 24: “an optical medium containing a software program and a protection program, the protection program including instructions for searching ..., determining ... and inhibiting ....” As discussed above, the combination of Cookson and Ross fails to disclose or suggest the above feature recited in amended claim 24.

For at least the reasons presented above, Cookson and Ross, alone or in combination, do not disclose or suggest all of the features of amended claim 24. Therefore, Applicants respectfully request that the 35 U.S.C. §103(a) of claim 24 be withdrawn.

## **II. Rejection of Claims 2 and 3 under 35 U.S.C. §103(a)**

Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cookson in view of Ross and further in view of US 6,480,959 (hereinafter “Granger”). (Office Action, page 7). Applicants respectfully traverse this rejection.

Claims 2 and 3 depend from claim 1 and, as such, incorporate the subject matter recited in claim 1.

Applicants respectfully submit that Cookson, Ross and Granger, alone or in any reasonable combination, fail to disclose or suggest at least the following features of amended claim 1: “providing a protection program on the optical medium, the protection program residing on the optical medium with the software program, the protection program: searching ...; determining ...; and inhibiting ....”

As discussed above, Cookson and Ross do not disclose or suggest the above feature.

Granger is cited by the Examiner to provide teachings for the features recited in claims 2 and 3. Granger discusses methods for protecting software applications from unauthorized distribution and use. (Granger, abstract). Granger, however, does not disclose or suggest “a protection program on the optical medium, the protection program residing on the optical medium with the software program, the protection program: searching ...; determining ...; and inhibiting ...,” as required in amended claim 1. There is no disclosure in Granger of an optical medium where the protection program and the software program reside together.

For at least the reasons presented above, Cookson, Ross and Granger, alone or in any reasonable combination, do not disclose or suggest all of the features of claim 1 from which claims 2 and 3 depend. Therefore, Cookson does not support a valid 35 U.S.C. §103(a) rejection of claims 2 and 3.

**III. Conclusion**

In light of the above amendments and arguments, Applicants respectfully submit that all of the pending claims are in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-107RCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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